MONTANA LEGISLATIVE HISTORY

Chapter 322 1999

Bill H _____ S 384 Original bill & history ✓ C

H. Committee on Agriculture			S. Committee on Agriculture		
Hearing Date(s)	_____	___C	Hearing Date(s)	_____	___C
	3/9	✓C		2/5	✓C
	3-23	___C		_____	___C
	_____	___C		2/17	✓C
Date Out	3-23	___C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Revised 2-2-16

By rs

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SB 384 Introduced by Mesaros, et al. *LC1593 Drafter: Sternberg*

Revise Statutes Related to Roadside Menageries and Zoos;...

2/04	Introduced and 1st Reading		
2/04	Referred to Agriculture, Livestock and Irrigation		
2/04	Fiscal Note Requested		
2/05	Hearing		
2/08	Fiscal Note Received		
2/09	Fiscal Note Signed		
2/09	Fiscal Note Printed		
2/18	Committee Executive Action--Bill Passed as Amended	10	0
2/18	Committee Report--Bill Passed as Amended		
2/20	2nd Reading Passed	48	0
2/22	3rd Reading Passed	47	2
	Transmitted to House		
3/02	Referred to Agriculture		
3/09	Hearing		
3/24	Committee Executive Action--Bill Concurred	17	3
3/24	Committee Report--Bill Concurred		
3/31	2nd Reading Concurred	79	21
4/01	3rd Reading Concurred	85	15
	Returned to Senate		
4/07	Sent to Enrolling		
4/08	Returned from Enrolling		
4/10	Signed by President		
4/12	Signed by Speaker		
4/12	Transmitted to Governor		
4/16	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 322		
	Effective Date: 10/01/1999 - All Sections		

SB 385 Introduced by Grimes *LC1160 Drafter: Fox*

Direct the Department of Public Health and Human Services to Research Health Care Economics and the Development of a Health Care Endowment Program to Provide Incentives to Entities in the Health Care and Long-term Care Systems to Reduce the Effects of Cost Shifting and Spiraling Health Care Costs;...

2/05	Introduced and 1st Reading		
2/05	Referred to Public Health, Welfare and Safety		
2/05	Fiscal Note Requested		
2/10	Fiscal Note Received		
2/10	Fiscal Note Signed		
2/12	Fiscal Note Printed		
2/12	Hearing		
2/16	Rereferred to Finance and Claims		
2/19	Hearing		
2/19	Tabled in Committee		
3/26	Missed Deadline for Appropriation Bill Transmittal		

SB 386 Introduced by Mahlum, et al. *LC1078 Drafter: Heiman*

Provide for the Transfer and Administration of Liquor Licenses That Were Purchased by the State with Virginia City and Nevada City;...

Senate BILL NO. 384

INTRODUCED BY Jonna Peck Lee
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES RELATED TO ROADSIDE MENAGERIES AND ZOOS; CREATING WILD ANIMAL MENAGERIES AND PROVIDING FOR TERMS OF OPERATION OF WILD ANIMAL MENAGERIES, INCLUDING THE KEEPING OF BEARS AND LARGE CATS; CLARIFYING PERMIT APPLICATION REQUIREMENTS; PROVIDING THAT ROADSIDE AND WILD ANIMAL MENAGERIES AND ZOOS MAY OBTAIN CAPTIVE-BRED WILD ANIMALS FROM A LICENSED ZOO, ROADSIDE OR WILD ANIMAL MENAGERIE, GAME FARM, FUR FARM, GAME BIRD FARM, OR ANIMAL REHABILITATION CENTER; REVISING DEFINITIONS; AMENDING SECTIONS 87-4-801, 87-4-802, 87-4-803, 87-4-804, AND 87-4-806, MCA; AND REPEALING SECTION 87-4-805, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-4-801, MCA, is amended to read:

"**87-4-801. Definitions.** As used in this part unless the context requires otherwise, the following definitions apply:

(1) "Roadside menagerie ~~or zoo~~" means any place where one or more wild animals, including birds, reptiles, and the like, are kept in captivity for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition of any animal by an educational institution or ~~in a zoological garden chartered as a nonprofit corporation by the state and does not include animals exhibited~~ by ~~any~~ a traveling theatrical exhibition or circus based outside of Montana.

(2) "Wild animal" means an animal that is wild by nature as distinguished from the common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

(3) "Wild animal menagerie" means any place where one or more bears or large cats, including cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats are kept in captivity for use other than public exhibition.

(4) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting wild animals for public viewing."

Section 2. Section 87-4-802, MCA, is amended to read:

"**87-4-802. Department regulations.** The department shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding, and sanitation of animals kept in roadside menageries, wild animal menageries, and zoos; ~~and~~ for the protection of the public from injury by such those animals; and for the licensing of roadside menageries, wild animal menageries, and zoos."

Section 3. Section 87-4-803, MCA, is amended to read:

"**87-4-803. Permits.** (1) The department ~~shall~~ may grant permits for roadside menageries, wild animal menageries, ~~or~~ and zoos. It is unlawful for any person to operate a roadside menagerie or wild animal menagerie without a permit. Application for a permit ~~shall~~ must be made to the director on a form prescribed by ~~him~~ the director. The annual permit fee for five or less animals ~~shall be~~ is $10. The annual permit fee for more than five animals ~~shall be~~ is $25. Permits ~~shall~~ expire on December 31 but may be renewed upon payment of the annual fee and submission of a renewal application. This section ~~shall~~ does not apply to the United States, the state of Montana, or any county or city. ~~Any~~ A person who ~~shall subscribe~~ subscribes to any false statement in application for a permit ~~shall be~~ is guilty of a misdemeanor and may be denied a permit.

(2) (a) A permit application for a roadside menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications;

(v) a copy of all required federal permits for exhibition of wild animals; and

(vi) a copy of a liability insurance policy to cover bodily injury or property damage.

(b) A permit application for a wild animal menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility, together with the nature of the applicant's title to the land, whether in fee, under lease, by contract for deed, or otherwise;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications; and

(v) information demonstrating that the applicant is responsible.

(c) A permit application for a zoo must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a copy of the nonprofit corporation documents approved by the secretary of state's office;

(iv) a copy of the required federal permits for exhibition of wild animals; and

(v) if applicable, a copy of the American zoo and aquarium association accreditation program specific to the facility.

(3) Renewal applications for roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

(4) ~~No~~ A permit ~~shall~~ may not be granted by the department until it has satisfactorily verified that the provisions for housing and caring for ~~such~~ the animals and for protecting the public are proper and adequate and in accordance with the standards established by the department.

~~(3)~~ (5) A permit is not transferable to another person ~~unless the roadside menagerie or zoo to which it pertains is also transferred to the same person. The director's approval must be obtained prior to such permit transfer and prior to a transfer of any wild animals held under the permit~~."

Section 4. Section 87-4-804, MCA, is amended to read:

"**87-4-804. Permit to obtain wild animals.** (1) It is unlawful to obtain wild animals for a roadside menagerie, wild animal menagerie, or zoo by capture from the wild or by purchase except as authorized by the department in accordance with the terms of a permit.

(2) Application for ~~such~~ a capture permit ~~shall~~ may be made only by a zoo and must be made to the director on a form prescribed by ~~him~~ the director. After investigation by the department, the director may issue ~~such~~ a capture permit without charge if ~~he~~ the director finds:

(a) that all provisions of this part and of the department regulations are complied with by the applicant; and

(b) that the number and species of wildlife desired is not excessive under the circumstances.

~~(2)~~(3) If wild animals are to be obtained by capture for use in zoos, the permit ~~shall~~ must designate the number and the means of capture, but ownership of the wild animals captured shall remain in the state of Montana.

(4) ~~Nongame animals may be bought, sold, or transferred under such regulations as the department may prescribe.~~ Roadside menageries, wild animal menageries, and zoos may obtain captive-bred wild animals from a licensed zoo, menagerie, game farm, fur farm, game bird farm, or animal rehabilitation center."

Section 5. Section 87-4-806, MCA, is amended to read:

"**87-4-806. Inspection, permit revocation, and redemption of wildlife.** All roadside menageries, wild animal menageries, ~~or~~ and zoos and all equipment used in connection ~~therewith shall~~ with any roadside menagerie, wild animal menagerie, or zoo must be open to inspection at all reasonable hours. If upon inspection it is found that the roadside menagerie, wild animal menagerie, or zoo is not being operated in accordance with this part or with the department regulations, the director shall revoke the permit without right of renewal and shall redeem possession of all wildlife obtained by capture or unlawful propagation."

NEW SECTION. **Section 6. Restrictions on menagerie and zoo permits.** (1) Wild animals may be bought, sold, or transferred under regulations that the department prescribes.

(2) The number of wild animals in a wild animal menagerie may not exceed 10.

NEW SECTION. **Section 7. Repealer.** Section 87-4-805, MCA, is repealed.

NEW SECTION. **Section 8. Codification instruction.** [Section 6] is intended to be codified as an integral part of Title 87, chapter 4, part 8, and the provisions of Title 87, chapter 4, part 8, apply to [section 6].

- END -

FISCAL NOTE

Bill #: SB0384 **Title:** Revise laws governing menageries and zoos

Primary Sponsor: Ken Mesaros **Status:** As introduced

Sponsor: Date — Dave Lewis, Budget Director Date 2-8-99

Fiscal Summary

	FY2000 Difference	FY2001 Difference
Expenditures:	$0	$0
Revenue:		
State Special Revenue	($725)	($725)
Net Impact on General Fund Balance:	**$0**	**$0**

Yes	No		Yes	No	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts

Fiscal Analysis

ASSUMPTIONS:

1. FWP currently licenses black bear and mountain lion ownership under the game farm statutes. There are an estimated 15 licensed facilities that will be affected by this change. The proposal will not change the regulation of these facilities or the responsibilities of FWP. Current staff will continue to administer these facilities.
2. Initial licensing fees will be reduced from $200 to $10 for 1-5 animals, or $25 for 6-10 animals. Annual renewal fees will be reduced from $50 to $10 or $25 depending on the number of animals. Only one of the current 15 licenses exceeds 5 animals.

SB 384

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN REINY JABS**, on February 5, 1999 at 3:22 P.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Sen. Reiny Jabs, Chairman (R)
Sen. Walter McNutt, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Gerry Devlin (R)
Sen. Pete Ekegren (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Greg Jergeson (D)
Sen. Ken Mesaros (R)
Sen. Linda Nelson (D)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Carol Masolo, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 327 2/1/99, SB 361 2/1/99, SB 384 2/4/99

Executive Action:

HEARING ON SB 327

Sponsor: **SENATOR GERRY DEVLIN, SD 2, Terry**

Proponents: **Mark Bridges, Board of Livestock**
John Bloomquist, Montana Stockgrowers

SENATOR MESAROS Proceed with programmatic EIS, right now that function lies with FWP. That would be their responsibility to proceed with that at this time **(TURNED TAPE, TESTIMONY MISSED).**

CHAIRMAN JABS You think they're more efficient then, cheaper and faster.

SENATOR MESAROS Once the programmatic EIS is completed, that would establish a criteria framework to facilitate the processing of permits. Without going into an EIS individually.

Closing by Sponsor:

SENATOR MESAROS Last session they were instructed to implement this negotiating rule process. There's been frustration from some members who sat on that negotiated rule making process. They indicated there have been changes or suggested changes and they don't recognize some of the rules. There have been time delays and a better job meeting those statutory time frames has to be done.

The regulatory authority will remain with FWP for removal of game animals both prior to licensing and ingress, prosecution of game theft, fee licensure, annual inspection of exterior fencing, classification of species, address hybridization and genetic and advise Dept. of Livestock of disease transmission issues, assist DoL in development in programmatic EIS. Dept. of Livestock has licensed professional veterinarians on their staff to deal with disease issues. Fish, Wildlife & Parks will remain to fulfill the role of protecting the wildlife in the State of Montana.

The proposed regulatory transfer will not negate the hard work and effort of the caucuses involved in the negotiated rule making process. The rule making process will be transferred and utilized. There's been frustration from tax dollars being spent on the cost of all the EIS's. I point to programmatic review that will ultimately enhance better review and utilization of this industry.

This is a good faith effort to address concerns on both sides. I believe that we can give producers across the state the opportunity for diversification and have the DoL fulfill it's historic role in alternative livestock and livestock products and FWP its historic role in managing wildlife. I believe there may be some amendments forwarded.

HEARING ON SB 384

Sponsor: **SENATOR KEN MESAROS, SD 25, CASCADE**

Proponents: **Mike Taylor**
Paul Sihler, Fish, Wildlife & Parks

Opponents: **None**

Opening Statement by Sponsor:

SENATOR KEN MESAROS, This bill identifies the rules and regulations that FWP will retain in the game farm area as far as lions and bears. If **SB 361** proceeds, we do not want transfer the authority of lions and bears to Dept. of Livestock.

Proponents' Testimony:

Mike Taylor, Montana Alternative Livestock Producers, We rise in support of this bill.

Paul Sihler, Dept. of Fish, Wildlife & Parks, In the current regulatory framework, mountain lions and bears are included as game farm animals. That really never made much sense, because they were regulated in a different way than elk and deer. This is something we like to see done independently of **SB 361.** We support this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None given.

MONTANA SENATE
1999 LEGISLATURE
AGRICULTURE COMMITTEE
ROLL CALL

DATE 2-5-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. REINY JABS, CHAIRMAN	✓		
SEN. WALT MC NUTT, VICE CHAIRMAN	✓		
SEN. TOM BECK	✓		
SEN. GERRY DEVLIN	✓		
SEN. PETE EKEGREN	✓		
SEN. MIKE HALLIGAN	✓		
SEN. RIC HOLDEN	✓		
SEN. GREG JERGESON	✓		
SEN. KEN MESAROS	✓		
SEN. LINDA NELSON	✓		
SEN. JON TESTER	✓		

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Visitor Register

SB 327
SB 361
SB 384

Gary Holmquist
Terry Klampe
Marty Boehm Pro
JEFF CUTHBERTSON PRO
Grant Spoklie Pro
Bob Spoklie Pro
Dolores Mangel PRO
Charles R Taylor PRO
Jack Schubarth PRO
Gene Barker Pro
Lora Jenkins Pro
Kim Kafka Pro
MARK TAYLOR PRO
John Blomquist Pro

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN REINY JABS**, on February 17, 1999 at 3:09 P.M., in Room 413/415 Capitol.

ROLL CALL

Members Present:

Sen. Reiny Jabs, Chairman (R)
Sen. Walter McNutt, Vice Chairman (R)
Sen. Tom A. Beck (R)
Sen. Gerry Devlin (R)
Sen. Pete Ekegren (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Greg Jergeson
Sen. Ken Mesaros (R)
Sen. Linda Nelson (D)
Sen. Jon Tester (D)

Members Excused: None

Members Absent: None.

Staff Present: Carol Masolo, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. No cassette tapes are available from this hearing.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 11, 2/15/99
Executive Action: SB 384, SB 392, SB 401

HEARING ON SJ 11

Sponsor: **SENATOR GREG JERGESON, SD 46, CHINOOK**

Proponents: **Dave McClure, Montana Farm Bureau**

Closing by Sponsor:

SENATOR JERGESON felt the amendments would strengthen this bill. Most of the concern is with the first item. This is a safety net system. Emergency price support is not reinstituted on a permanent basis. We're faced with a continuing emergency, so let's not dilute #1. We need the transference of enforcement to Dept. of Justice. Move to other agency is more objective.

EXECUTIVE ACTION ON SB 384

Motion: **SEN. MESAROS** moved that **SB 384 DO PASS.**

Doug Sternberg passed out amendment SB038401.ads which cleans up the language and makes it consistent. **SEE EXHIBIT(12).**

Motion/Vote: **SEN. DEVLIN** moved that **AMENDMENT SB038401.ADS BE ADOPTED. Motion carried unanimously.**

Motion/Vote: **SEN. MESAROS** moved that **SB384 DO PASS AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON SB 392

Motion: **SEN. HOLDEN** moved that **SB 392 DO PASS.**

SENATOR DEVLIN said he was going to resist the motion. There was a bounty years ago. Coyotes were brought in from out of state. What's the justification for payment? We're asking sheriff departments to do a tedious chore for 50 cents. It won't get the coyotes doing the damage, because people will go where they can get the coyotes easily. There are several programs within the federal government. He passed out a letter from Carter County Predator Board saying they had held eight meetings in all parts of the county and there was not favorable support of a bounty program. The county commissioners are also not in favor of the program. **SEE EXHIBIT(13).** Bounty programs are not successful.

SENATOR MESAROS asked if the Dept. of Livestock was in favor of this bill.

Mark Bridges said the board did not take a position on the bill.

MONTANA SENATE
1999 LEGISLATURE
AGRICULTURE COMMITTEE
ROLL CALL

DATE 2-17-99

NAME	PRESENT	ABSENT	EXCUSED
SEN. REINY JABS, CHAIRMAN	✓		
SEN. WALT MC NUTT, VICE CHAIRMAN	✓		
SEN. TOM BECK	✓		
SEN. GERRY DEVLIN	✓		
SEN. PETE EKEGREN	✓		
SEN. MIKE HALLIGAN	✓		
SEN. RIC HOLDEN	✓		
SEN. GREG JERGESON	✓		
SEN. KEN MESAROS	✓		
SEN. LINDA NELSON	✓		
SEN. JON TESTER	✓		

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SENATE AGRICULTURE
EXHIBIT NO. 12
DATE 2-17-99
BILL NO. SB 384

Amendments to Senate Bill No. 384
1st Reading Copy

For the Senate Agriculture, Livestock and Irrigation Committee

Prepared by Doug Sternberg
February 6, 1999

1. Title, line 10.
Following: "SECTIONS"
Insert: "87-4-406,"

2. Page 1, line 14.
"**Section 1.** Section 87-4-406, MCA, is amended to read:
"**87-4-406. Definitions.** As used in this part, the following definitions apply:
(1) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.
(2) "Department" means the department of fish, wildlife, and parks.
(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.
(4) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.
(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.
(6) "Game farm animal" means a privately owned caribou, ~~black bear, mountain lion,~~ white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.
(7) "Person" means an individual, firm, corporation, association, or partnership."
Renumber: subsequent sections

3. Page 4, line 21.
Following: "Section"
Strike: "6"
Insert: "7"

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** report that **Senate Bill 384** (first reading copy -- white) **do pass as amended.**

Signed: *Senator Reiny Jabs, Chair*

And, that such amendments read:

1. Title, line 10.
Following: "SECTIONS"
Insert: "87-4-406,"

2. Page 1, line 14.
"Section 1. Section 87-4-406, MCA, is amended to read:
"87-4-406. Definitions. As used in this part, the following definitions apply:
(1) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.
(2) "Department" means the department of fish, wildlife, and parks.
(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.
(4) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.
(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.
(6) "Game farm animal" means a privately owned caribou, ~~black bear, mountain lion,~~ white-tailed deer, mule deer, elk,

Committee Vote:
Yes 10, No 0.

moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.

(7) "Person" means an individual, firm, corporation, association, or partnership."

Renumber: subsequent sections

3. Page 4, line 21.
Following: "Section"
Strike: "6"
Insert: "7"

4. Page 4, line 23.
Following: "Section"
Strike: "6"
Insert: "7"

- END -

2nd Reading - Committee of Whole

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 43

Nays: Doherty, Eck, Ellingson, Franklin, Jergeson.
Total 5

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

Senator Devlin assumed the chair.

SB 367 - Senator F. Thomas moved SB 367 do pass. Senator DePratu expressed his conflict of interest in SB 367 as he owns an auto dealership. Motion carried unanimously.

Senator Jergeson resumed the chair.

SB 384 - Senator K. Mesaros moved SB 384 do pass. Motion carried unanimously.

SB 388 - Senator C. Christiaens moved SB 388 do pass. Motion carried unanimously.

SB 393 - Senator M. Waterman moved SB 393 do pass. Motion carried unanimously.

SB 398 - Senator J. Bohlinger moved SB 398 do pass. Motion carried unanimously.

SB 400 - Senator R. Holden moved SB 400 do pass. Motion **failed** as follows:

Yeas: Bartlett, Bishop, Cocchiarella, Cole, DePratu, Devlin, Ellingson, Holden, Keating, McNutt, Mohl, Nelson, Swysgood, Taylor, Wells, Mr. President.
Total 16

Nays: Beck, Berry, Bohlinger, Christiaens, Crismore, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mesaros, Miller, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson.
Total 32

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 400 - Senator J. Lynch moved that SB 400 be indefinitely postponed. Motion carried as follows:

20

3rd Reading

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wells.
Total 1

SB 384 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.
Total 47

Nays: Jergeson, Wilson.
Total 2

Absent or not voting: None.
Total 0

Excused: Wells.
Total 1

SB 388 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.
Total 48

Nays: Grimes.
Total 1

Absent or not voting: None.
Total 0

Excused: Wells.
Total 1

21

SENATE BILL NO. 384

INTRODUCED BY K. MESAROS, R. PECK, S. ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES RELATED TO ROADSIDE MENAGERIES AND ZOOS; CREATING WILD ANIMAL MENAGERIES AND PROVIDING FOR TERMS OF OPERATION OF WILD ANIMAL MENAGERIES, INCLUDING THE KEEPING OF BEARS AND LARGE CATS; CLARIFYING PERMIT APPLICATION REQUIREMENTS; PROVIDING THAT ROADSIDE AND WILD ANIMAL MENAGERIES AND ZOOS MAY OBTAIN CAPTIVE-BRED WILD ANIMALS FROM A LICENSED ZOO, ROADSIDE OR WILD ANIMAL MENAGERIE, GAME FARM, FUR FARM, GAME BIRD FARM, OR ANIMAL REHABILITATION CENTER; REVISING DEFINITIONS; AMENDING SECTIONS 87-4-406, 87-4-801, 87-4-802, 87-4-803, 87-4-804, AND 87-4-806, MCA; AND REPEALING SECTION 87-4-805, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

APPROVED BY COM ON AGRICULTURE, LIVESTOCK & IRRIGATION

SENATE BILL NO. 384

INTRODUCED BY K. MESAROS, R. PECK, S. ROSE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES RELATED TO ROADSIDE MENAGERIES AND ZOOS; CREATING WILD ANIMAL MENAGERIES AND PROVIDING FOR TERMS OF OPERATION OF WILD ANIMAL MENAGERIES, INCLUDING THE KEEPING OF BEARS AND LARGE CATS; CLARIFYING PERMIT APPLICATION REQUIREMENTS; PROVIDING THAT ROADSIDE AND WILD ANIMAL MENAGERIES AND ZOOS MAY OBTAIN CAPTIVE-BRED WILD ANIMALS FROM A LICENSED ZOO, ROADSIDE OR WILD ANIMAL MENAGERIE, GAME FARM, FUR FARM, GAME BIRD FARM, OR ANIMAL REHABILITATION CENTER; REVISING DEFINITIONS; AMENDING SECTIONS 87-4-406, 87-4-801, 87-4-802, 87-4-803, 87-4-804, AND 87-4-806, MCA; AND REPEALING SECTION 87-4-805, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 87-4-406, MCA, IS AMENDED TO READ:

"87-4-406. Definitions. As used in this part, the following definitions apply:

(1) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

(2) "Department" means the department of fish, wildlife, and parks.

(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.

(4) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.

(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.

(6) "Game farm animal" means a privately owned caribou, ~~black bear, mountain lion,~~ white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of

SECOND READING

23

Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.

(7) "Person" means an individual, firm, corporation, association, or partnership."

Section 2. Section 87-4-801, MCA, is amended to read:

"**87-4-801. Definitions.** As used in this part unless the context requires otherwise, the following definitions apply:

(1) "Roadside menagerie ~~or zoo~~" means any place where one or more wild animals, including birds, reptiles, and the like, are kept in captivity for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition of any animal by an educational institution or ~~in a zoological garden chartered as a nonprofit corporation by the state and does not include animals exhibited~~ by ~~any~~ a traveling theatrical exhibition or circus based outside of Montana.

(2) "Wild animal" means an animal that is wild by nature as distinguished from the common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

(3) "Wild animal menagerie" means any place where one or more bears or large cats, including cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats are kept in captivity for use other than public exhibition.

(4) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting wild animals for public viewing."

Section 3. Section 87-4-802, MCA, is amended to read:

"**87-4-802. Department regulations.** The department shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding, and sanitation of animals kept in roadside menageries, wild animal menageries, and zoos; ~~and~~ for the protection of the public from injury by ~~such~~ those animals; and for the licensing of roadside menageries, wild animal menageries, and zoos."

Section 4. Section 87-4-803, MCA, is amended to read:

"**87-4-803. Permits.** (1) The department ~~shall~~ may grant permits for roadside menageries, wild animal menageries, ~~or~~ and zoos. It is unlawful for any person to operate a roadside menagerie or wild animal menagerie without a permit. Application for a permit ~~shall~~ must be made to the director on a form

prescribed by ~~him~~ the director. The annual permit fee for five or less animals ~~shall be~~ is $10. The annual permit fee for more than five animals ~~shall be~~ is $25. Permits ~~shall~~ expire on December 31 but may be renewed upon payment of the annual fee and submission of a renewal application. This section ~~shall~~ does not apply to the United States, the state of Montana, or any county or city. ~~Any~~ A person who ~~shall subscribe~~ subscribes to any false statement in application for a permit ~~shall be~~ is guilty of a misdemeanor and may be denied a permit.

(2) (a) A permit application for a roadside menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications;

(v) a copy of all required federal permits for exhibition of wild animals; and

(vi) a copy of a liability insurance policy to cover bodily injury or property damage.

(b) A permit application for a wild animal menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility, together with the nature of the applicant's title to the land, whether in fee, under lease, by contract for deed, or otherwise;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications; and

(v) information demonstrating that the applicant is responsible.

(c) A permit application for a zoo must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a copy of the nonprofit corporation documents approved by the secretary of state's office;

(iv) a copy of the required federal permits for exhibition of wild animals; and

(v) if applicable, a copy of the American zoo and aquarium association accreditation program specific to the facility.

(3) Renewal applications for roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

(4) ~~No~~ A permit ~~shall~~ may not be granted by the department until it has satisfactorily verified that

the provisions for housing and caring for ~~such~~ the animals and for protecting the public are proper and adequate and in accordance with the standards established by the department.

~~(3)~~ (5) A permit is not transferable to another person ~~unless the roadside menagerie or zoo to which it pertains is also transferred to the same person. The director's approval must be obtained prior to such permit transfer and prior to a transfer of any wild animals held under the permit~~."

Section 5. Section 87-4-804, MCA, is amended to read:

"87-4-804. Permit to obtain wild animals. (1) It is unlawful to obtain wild animals for a roadside menagerie, ~~wild animal~~ menagerie, or zoo by capture from the wild or by purchase except as authorized by the department in accordance with the terms of a permit.

(2) Application for ~~such~~ a capture permit ~~shall~~ may be made only by a zoo and must be made to the director on a form prescribed by ~~him~~ the director. After investigation by the department, the director may issue ~~such~~ a capture permit without charge if ~~he~~ the director finds:

(a) that all provisions of this part and of the department regulations are complied with by the applicant; and

(b) that the number and species of wildlife desired is not excessive under the circumstances.

~~(2)~~(3) If wild animals are to be obtained by capture for use in zoos, the permit ~~shall~~ must designate the number and the means of capture, but ownership of the wild animals captured shall remain in the state of Montana.

(4) ~~Nongame animals may be bought, sold, or transferred under such regulations as the department may prescribe.~~ Roadside menageries, wild animal menageries, and zoos may obtain captive-bred wild animals from a licensed zoo, menagerie, game farm, fur farm, game bird farm, or animal rehabilitation center."

Section 6. Section 87-4-806, MCA, is amended to read:

"87-4-806. Inspection, permit revocation, and redemption of wildlife. All roadside menageries, wild animal menageries, ~~or~~ and zoos and all equipment used in connection ~~therewith shall~~ with any roadside menagerie, wild animal menagerie, or zoo must be open to inspection at all reasonable hours. If upon inspection it is found that the roadside menagerie, wild animal menagerie, or zoo is not being operated in accordance with this part or with the department regulations, the director shall revoke the

permit without right of renewal and shall redeem possession of all wildlife obtained by capture or unlawful propagation."

NEW SECTION. **Section 7. Restrictions on menagerie and zoo permits.** (1) Wild animals may be bought, sold, or transferred under regulations that the department prescribes.

(2) The number of wild animals in a wild animal menagerie may not exceed 10.

NEW SECTION. **Section 8. Repealer.** Section 87-4-805, MCA, is repealed.

NEW SECTION. **Section 9. Codification instruction.** [Section ~~6~~ 7] is intended to be codified as an integral part of Title 87, chapter 4, part 8, and the provisions of Title 87, chapter 4, part 8, apply to [section ~~6~~ 7].

- END -

21

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN JOE BARNETT**, on March 9, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John L. Holden, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Paul Clark (D)
Rep. Bill Eggers (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Mary Anne Guggenheim (D)
Rep. Donald L. Hedges (R)
Rep. Verdell Jackson (R)
Rep. Rick Jore (R)
Rep. Monica Lindeen (D)
Rep. Gay Ann Masolo (R)
Rep. Sam Rose (R)
Rep. Brennan Ryan (D)
Rep. Frank Smith (D)
Rep. Bob Story (R)
Rep. Bill Thomas (R)
Rep. Cliff Trexler (R)

Members Excused: Rep. Rick Dale (R)

Members Absent: None.

Staff Present: Joyce Bankhead, Committee Secretary
Todd Everts, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 183, SB 342, SB 384
Posted 3/4/99

Executive Action: NONE

{Tape : 1; Side : B; Approx. Time Counter : 7.2 - 11.7}

Closing by the Sponsor:

Senator Nelson closed the Hearing on SB 183.

{Tape : 1; Side : B; Approx. Time Counter : 11.7 - 13.5}

HEARING ON SB 384

Opening Statement by Sponsor:

Senator Ken Mesaros, SB 25.

{Tape : 1; Side : B; Approx. Time Counter : 13.5 - 16.7}

Proponents' Testimony:

Mark Taylor, MT Alternative Livestock Producers

{Tape : 1; Side : B; Approx. Time Counter : 16.7 - 18.3}

Paul Sihler, MT FW&P **EXHIBIT(4)**

{Tape : 1; Side : B; Approx. Time Counter : 18.3 - 22.3}

Opponents' Testimony:

NONE

{Tape : 1; Side : B; Approx. Time Counter : 22.3 - 22.6}

Questions from Committee Members and Responses:

Rep. Lenhart to Sihler to Karen Zacheim from FWP

{Tape : 1; Side : B; Approx. Time Counter : 22.6 - 24.8}

Rep. Holden to Mesaros

{Tape : 1; Side : B; Approx. Time Counter : 24.8 - 25.4}

Rep. Guggenheim to Mesaros

{Tape : 1; Side : B; Approx. Time Counter : 25.4 - 26.9}

Rep. Jore to Taylor

{Tape : 1; Side : B; Approx. Time Counter : 26.9 - 28.3}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 1.4}

Rep. Jore to Sihler

{Tape : 2; Side : A; Approx. Time Counter : 1.4 - 3.2}

Rep. Hedges to Sihler

{Tape : 2; Side : A; Approx. Time Counter : 3.2 - 4.8}

Rep. Adams to Sihler

{Tape : 2; Side : A; Approx. Time Counter : 4.8 - 5.2}

Reps. Jackson, Clark, & Adams to Sihler referred to Zachion

{Tape : 2; Side : A; Approx. Time Counter : 5.2 - 14.2}

Closing by the Sponsor:

Senator Mesaros closed the Hearing on SB 384.

{Tape : 2; Side : A; Approx. Time Counter : 14.2 - 15.5}

HEARING ON SB 342

Opening Statement by Sponsor:
Senator Don Hargrove, SD 16.
{Tape : 2; Side : A; Approx. Time Counter : 15.5 - 22.5}

Proponents' Testimony:
Rep. Karl Ohs, HD 33
{Tape : 2; Side : A; Approx. Time Counter : 22.5 - 23.9}

John Bloomquist, MT Stockgrowers Assn., MT Farm Bureau, & MT Cattlewomen
{Tape : 2; Side : A; Approx. Time Counter : 23.9 - 27.4}

John Ficken, farmer from Kalispell **EXHIBIT(5)**
{Tape : 2; Side : A; Approx. Time Counter : 27.4 - 28.7}

Rock Ringling, MT Land Relaince **EXHIBIT(6)**
{Tape : 2; Side : A; Approx. Time Counter : 28.7 - 31}
{Tape : 2; Side : B; Approx. Time Counter : 0 - 1.5}

Mona Jamison, MT Ag Hertiage Program **EXHIBIT(7)EXHIBIT(8)**
{Tape : 2; Side : B; Approx. Time Counter : 1.5 - 11.5}

Mike Volesky, MT Assoc. of Conservation Districts
{Tape : 2; Side : B; Approx. Time Counter : 11.5 - 13.7}

Mike Murphy, MT Water Resource Assn.
{Tape : 2; Side : B; Approx. Time Counter : 13.7 - 15.1}

Ralph Peck, Director Dept. of Ag
{Tape : 2; Side : B; Approx. Time Counter : 15.1 - 16.2}

Harry Flicken, farmer from Kalispell **EXHIBIT(9)**
also submitted written testimony from Vonnie Koenig **EXHIBIT(10)**
{Tape : 2; Side : B; Approx. Time Counter : 16.2 - 24.3}

Steve Snezek, MT Assn. of Realtors
{Tape : 2; Side : B; Approx. Time Counter : 24.3 - 26.6}

Jerry Wells, Trout Unlimited
{Tape : 2; Side : B; Approx. Time Counter : 26.6 - 28.1}

Paul Sihler, MT FW&P **EXHIBIT(11)**
{Tape : 2; Side : B; Approx. Time Counter : 28.1 - 28.9}

EXHIBIT 4
DATE 3-9-99
HB SB384

Senate Bill 384
March 9, 1999
Presented by Paul Sihler
Montana Fish, Wildlife & Parks
for the
House Agriculture Committee

Mr. Chairman and members of the Committee, for the record, my name is Paul Sihler representing Montana Fish, Wildlife & Parks (FWP). FWP supports SB384.

The bill revises and expands the roadside zoo and menagerie statutes to include wild animal menageries which are defined as any place where bears or large cats are kept in captivity for any purpose other than public display. The effect of this bill is to move the regulation of bears and mountain lions from the game farm statutes to those statutes regulating zoos and menageries. We support this change. The game farm statutes are designed for ungulates and the fencing standards and other provisions do not mesh very well with the needs of a facility holding bears and large cats.

Senator Mesaros has included other changes to these statutes at the Department's request to clarify them. In Section 2, the new wild animal menagerie includes other large, potentially dangerous, wild cats not clearly included in current law. These are cougars, other lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids. These are currently regulated under the roadside menagerie and zoo statutes when they are displayed to the public, but they are not clearly regulated when they are kept for other purposes. The bill also includes zoos which were previously excluded if they were publicly owned or owned by a non-profit corporation; however, the zoos only need to provide a copy of their federal permits to qualify for a zoo license.

Section 4 provides the information required on each of the applications. Section 5 makes it clear that the facilities may purchase or obtain captive-bred wild animals from other licensed facilities.

Section 7 provides that a wild animal menagerie may not exceed 10 animals. All of the facilities currently licensed as game farms which include bears or mountain lions have fewer than 10 of these animals. Larger facilities like Ligertown in Idaho have had problems with escapes and care of animals. This limit does not affect zoos or roadside menageries - facilities where animals are on display to the public.

Section 8 repeals a law which prohibits roadside menageries and zoos from propagating animals for sale. This prohibition arose during a time when most of the animals on display were captured from the wild. This is no longer true.

We support this bill to ensure that carnivores and omnivores continue to be regulated for public health and safety reasons.

HOUSE OF REPRESENTATIVE
ROLL CALL

Ag COMMITTEE

DATE 3-9-99

NAME	PRESENT	ABSENT	EXCUSED
Joe Barnett, Chr.	X		
John Holden, V. Ch.	X		
Ralph Lenhart, VC	X		
Darrell Adams	X		
Paul Clark	X 3:40		
Rick Dale			X
Bill Eggers	X 3:10		
Kathleen Galvin-Hakto	X		
Mary Anne Guggenheim	X		
Don Hodges	X		
Verdell Jackson	X		
Rick Jore	X		
Monica Lindeen	X 3:50		
Gay Ann Masolo	X		
Sam Rose	X		
Brennan Ryan	X		
Frank Smith	X		
Bob Story	X		
Bill Thomas	X		
Cliff Trexler	X		

Todd Everts X

Joyce Bankhead X

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 3-9-99

BILL NO. SB 384 SPONSOR(S) Sen. Mesaros

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	MARK TAYLOR	139 N. LAST CHANCE	MALP
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN JOE BARNETT**, on March 23, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:
Rep. Joe Barnett, Chairman (R)
Rep. John L. Holden, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Paul Clark (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Mary Anne Guggenheim (D)
Rep. Donald L. Hedges (R)
Rep. Verdell Jackson (R)
Rep. Rick Jore (R)
Rep. Sam Rose (R)
Rep. Frank Smith (D)
Rep. Bob Story (R)
Rep. Bill Thomas (R)
Rep. Cliff Trexler (R)

Members Excused: Rep. Rick Dale (R)
Rep. Bill Eggers (D)
Rep. Monica Lindeen (D)
Rep. Gay Ann Masolo (R)
Rep. Brennan Ryan (D)

Members Absent: None.

Staff Present: Joyce Bankhead, Committee Secretary
Todd Everts, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SJR 11 Posted 3/16/99
Executive Action: SB 178, HB 643, SB 183, SB 384, SJR 11, SB 401.

Closing by the Sponsor:
Senator Jergenson closed the Hearing on SJR 11.
{Tape : 1; Side : B; Approx. Time Counter : 14.1 - 17}

EXECUTIVE ACTION ON SJR 11

Motion: **REP. ROSE** moved that **SJR 11 BE CONCURRED IN.**

Discussion: Rep. Jore and Adams.
{Tape : 1; Side : B; Approx. Time Counter : 17 - 19.5}

Vote: Motion **carried 19-1 with Jore voting no.**
{Tape : 1; Side : B; Approx. Time Counter : 19.5 - 20.7}

EXECUTIVE ACTION ON SB 384

Motion/Vote: **REP. LINDEEN** moved that **SB 384 BE CONCURRED IN.**
Motion carried 17-3 with Adams, Jore, and Story voting no.
{Tape : 1; Side : B; Approx. Time Counter : 20.7 - 23.3}

EXECUTIVE ACTION ON SB 178

Motion: **REP. LINDEEN** moved that **SB 178 BE CONCURRED IN.**

Motion: **REP. HOLDEN** moved that **SB 178 BE AMENDED.**

Discussion: Rep. Clark. Galvin-Halcro asked to have amendments segergated.

Vote: Motion **carried 20-0 on #1 on amendment.**
{Tape : 1; Side : B; Approx. Time Counter : 23.3 - 26.9}

Substitute Motion: **REP. CLARK** made a substitute motion **SB 178.**

Discussion: Rep. Clark, Trexler, Story, Hedges, Todd Everts with information, Jackson, Thomas, Smith, Lindeen and Clark. Motions have been withdrawn because some questions need clarification. Amendment has been added to bill. Will take executive action later today or on Thursday.
{Tape : 1; Side : B; Approx. Time Counter : 26.9 - 30.7}
{Tape : 2; Side : A; Approx. Time Counter : 0 - 3.1}

HOUSE OF REPRESENTATIVE
ROLL CALL

Ag COMMITTEE

DATE 3-13-99

NAME	PRESENT	ABSENT	EXCUSED
Joe Barnett, Chr.	X		
John Holden, V. Ch.	X		
Ralph Lenhart, VC	X		
Darrell Adams	X		
Paul Clark	X 3:10		
Rick Dale			X
Bill Eggers			X
Kathleen Galvin-Hakto	X		
Mary Anne Guggenheim	X		
Don Hodges	X		
Verdell Jackson	X		
Rick Jore	X		
Monica Lindeen			X
Gay Ann Masolo			X
Sam Rose	X		
Brennan Ryan			
Frank Smith	X		
Bob Story	X		
Bill Thomas	X		
Cliff Trexler	X		
Todd Everts	X		
Joyce Bankhead	X		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Ag [redacted] COMMITTEE

DATE 3-23-99 BILL NO. SB 384 NUMBER

MOTION: Rep. Lindeen moved DO CONCUR

17-3

NAME	AYE	NO
John Holden	X	
Ralph Lenhart	X	
Darrell Adams		X
Paul Clark	X	
Rick Oak P	X	
Bill Eggers P	X	
Kathleen Galvin-Halcro	X	
Mary Anne Guggenheim	X	
Don Hedges	X	
Verdell Jackson	X	
Rick Jore		X
Monica Lindeen	X	
Gay Ann Masolo P	X	
Sam Rose	X	
Brennan Ryan P	X	
Frank Smith	X	
Bob Story		X
Bill Thomas	X	
Cliff Trexler	X	
Joe Barnett, Chr.	X	
	17	3

COMMITTEE ABSENTEE BALLOT

Date: 3-9-99

I hereby authorize Rep. Holden

to cast my vote(s) as follows:

As He votes

Representative _____

COMMITTEE ABSENTEE BALLOT

Date: 3-

I hereby authorize Rep. Ralph Senhart

to cast my vote(s) as follows:

643 - (Yes) To Table
NO on B.11

SJ11 - (Yes) on B.11

SB 384 - (Yes)

SB 178 - (Yes)

SB 401 - (Yes) amend (No)

SB 183 - (Yes)

Brennan Lyon

Representative [redacted]

For your information from . . .

Representative ~~Bill~~ Eggers

Rep Joe Barnett - SS
As I am detained at the hearing by the select committee on managed care, I hereby authorize Kathleen Galvin-Halcro to act + vote at the Agriculture Committee executive session, as my proxy on all matters coming before the committee at that time.

Bill Eggers
3/23/99

BlueCross BlueShield of Montana

An Independent Licensee of the Blue Cross and Blue Shield Association

HOUSE STANDING COMMITTEE REPORT

March 24, 1999

Mr. Speaker:

We, your committee on **Agriculture** report that **Senate Bill 384** (third reading copy -- blue) **be concurred in.**

Signed: Joe Barnett
Representative Joe Barnett, Chair

To be carried by Representative Sam Rose

- END -

Committee Vote:
Yes 17, No 3.

661405SC.ham

2nd Reading - Committee of Whole

SB 236 - Representative Eggers moved **SB 236** be concurred in. Motion carried as follows:

Ayes: S. Anderson, Barnett, Beck, Buzzas, P. Clark, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Noennig, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Squires, Stovall, Swanson, Tropila, Tuss, Williams, Wyatt, Younkin, Zook, Mr. Speaker.
Total 53

Noes: Adams, Ahner, J. Andersen, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hibbard, Holden, Hurdle, Jackson, Jore, Kasten, Masolo, McGee, McKenney, Molnar, Mood, Ohs, Orr, Pavlovich, Rehbein, Sliter, Somerville, Story, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt.
Total 46

Voted Absentee: Kasten, No.

Excused: None.
Total 0

Absent or not voting: Hedges.
Total 1

SB 384 - Representative Rose moved **SB 384** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 79

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Curtiss, Davies, Gallus, Golie, Gutsche, Hurdle, Jore, Lawson, McGee, Menahan, Orr, Rehbein, Story, Tuss, Vick, Wagner, Wyatt.
Total 21

Voted Absentee: Kasten, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 - Representative Younkin moved **SB 221** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney,

3rd Reading

Total 77

Noes: Adams, P. Bergsagel, Bitney, Brainard, Brown, R. Clark, Dale, Davies, Hanson, Holden, Jackson, Jore, Kasten, McGee, Molnar, Orr, Rehbein, Smith, Story, Taylor, Vick, Wagner, Walters.
Total 23

Voted Absentee: Eggers, McCulloch, Simon, Wyatt, Ayes; Holden, Kasten, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 381, as amended by the House, concurred in as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Ohs, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Cobb, Curtiss, Davies, Johnson, Jore, Kasten, Masolo, McGee, Noennig, Orr, Raney, Smith, Trexler, Vick, Wagner.
Total 19

Voted Absentee: Eggers, Holden, McCulloch, Simon, Wyatt, Ayes; Kasten, No.

Excused: None.
Total 0

Absent or not voting: J. Andersen.
Total 1

SB 384 concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 85

Noes: Adams, Beck, P. Bergsagel, Brainard, Davies, Golie, Hurdle, Jore, Lawson, McGee, Orr, Story, Tuss, Vick,

Wagner.
Total 15

Voted Absentee: Eggers, Holden, Kasten, McCulloch, Simon, Wyatt, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 83

Noes: Barnett, Brown, Ewer, Gillan, Hanson, Jore, Kasten, Masolo, McCann, Mood, Orr, Rehbein, Simon, Smith, Story, Vick, Wagner.
Total 17

Voted Absentee: Eggers, Holden, McCulloch, Wyatt, Ayes; Kasten, Simon, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 393, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 83

Noes: Adams, Barnhart, E. Bergsagel, Brainard, Cobb, Curtiss, Dale, Davies, Fuchs, Grinde, Holden, Jore, Orr, Rose, Story, Wagner, Walters.
Total 17

AN ACT REVISING STATUTES RELATED TO ROADSIDE MENAGERIES AND ZOOS; CREATING WILD ANIMAL MENAGERIES AND PROVIDING FOR TERMS OF OPERATION OF WILD ANIMAL MENAGERIES, INCLUDING THE KEEPING OF BEARS AND LARGE CATS; CLARIFYING PERMIT APPLICATION REQUIREMENTS; PROVIDING THAT ROADSIDE AND WILD ANIMAL MENAGERIES AND ZOOS MAY OBTAIN CAPTIVE-BRED WILD ANIMALS FROM A LICENSED ZOO, ROADSIDE OR WILD ANIMAL MENAGERIE, GAME FARM, FUR FARM, GAME BIRD FARM, OR ANIMAL REHABILITATION CENTER; REVISING DEFINITIONS; AMENDING SECTIONS 87-4-406, 87-4-801, 87-4-802, 87-4-803, 87-4-804, AND 87-4-806, MCA; AND REPEALING SECTION 87-4-805, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-4-406, MCA, is amended to read:

"**87-4-406. Definitions.** As used in this part, the following definitions apply:

(1) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

(2) "Department" means the department of fish, wildlife, and parks.

(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.

(4) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.

(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.

(6) "Game farm animal" means a privately owned caribou, ~~black bear, mountain lion,~~ white-tailed

deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.

(7) "Person" means an individual, firm, corporation, association, or partnership."

Section 2. Section 87-4-801, MCA, is amended to read:

"**87-4-801. Definitions.** As used in this part unless the context requires otherwise, the following definitions apply:

(1) "Roadside menagerie ~~or zoo~~" means any place where one or more wild animals, including birds, reptiles, and the like, are kept in captivity for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the exhibition of any animal by an educational institution or ~~in a zoological garden chartered as a nonprofit corporation by the state and does not include animals exhibited~~ by ~~any~~ a traveling theatrical exhibition or circus based outside of Montana.

(2) "Wild animal" means an animal that is wild by nature as distinguished from the common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

(3) "Wild animal menagerie" means any place where one or more bears or large cats, including cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats are kept in captivity for use other than public exhibition.

(4) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or any facility participating in the American zoo and aquarium association accreditation program for the purpose of exhibiting wild animals for public viewing."

Section 3. Section 87-4-802, MCA, is amended to read:

"**87-4-802. Department regulations.** The department shall adopt and enforce reasonable regulations for the housing, care, treatment, feeding, and sanitation of animals kept in roadside menageries, wild animal menageries, and zoos; ~~and~~ for the protection of the public from injury by ~~such~~ those animals; and for the licensing of roadside menageries, wild animal menageries, and zoos."

Section 4. Section 87-4-803, MCA, is amended to read:

"**87-4-803. Permits.** (1) The department ~~shall~~ may grant permits for roadside menageries, wild

animal menageries, ~~or~~ and zoos. It is unlawful for any person to operate a roadside menagerie or wild animal menagerie without a permit. Application for a permit ~~shall~~ must be made to the director on a form prescribed by ~~him~~ the director. The annual permit fee for five or less animals ~~shall be~~ is $10. The annual permit fee for more than five animals ~~shall be~~ is $25. Permits ~~shall~~ expire on December 31 but may be renewed upon payment of the annual fee and submission of a renewal application. This section ~~shall~~ does not apply to the United States, the state of Montana, or any county or city. ~~Any~~ A person who ~~shall subscribe~~ subscribes to any false statement in application for a permit ~~shall be~~ is guilty of a misdemeanor and may be denied a permit.

(2) (a) A permit application for a roadside menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications;

(v) a copy of all required federal permits for exhibition of wild animals; and

(vi) a copy of a liability insurance policy to cover bodily injury or property damage.

(b) A permit application for a wild animal menagerie must include:

(i) the applicant's name and address;

(ii) the exact location of the facility, together with the nature of the applicant's title to the land, whether in fee, under lease, by contract for deed, or otherwise;

(iii) a list of species and the number of animals to be held in the facility;

(iv) the type of facility contemplated, including cage specifications; and

(v) information demonstrating that the applicant is responsible.

(c) A permit application for a zoo must include:

(i) the applicant's name and address;

(ii) the exact location of the facility;

(iii) a copy of the nonprofit corporation documents approved by the secretary of state's office;

(iv) a copy of the required federal permits for exhibition of wild animals; and

(v) if applicable, a copy of the American zoo and aquarium association accreditation program specific to the facility.

(3) Renewal applications for roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

(4) ~~No~~ A permit ~~shall~~ may not be granted by the department until it has satisfactorily verified that the provisions for housing and caring for ~~such~~ the animals and for protecting the public are proper and adequate and in accordance with the standards established by the department.

~~(3)~~ (5) A permit is not transferable to another person ~~unless the roadside menagerie or zoo to which it pertains is also transferred to the same person. The director's approval must be obtained prior to such permit transfer and prior to a transfer of any wild animals held under the permit.~~"

Section 5. Section 87-4-804, MCA, is amended to read:

"**87-4-804. Permit to obtain wild animals.** (1) It is unlawful to obtain wild animals for a roadside menagerie, wild animal menagerie, or zoo by capture from the wild or by purchase except as authorized by the department in accordance with the terms of a permit.

(2) Application for ~~such~~ a capture permit ~~shall~~ may be made only by a zoo and must be made to the director on a form prescribed by ~~him~~ the director. After investigation by the department, the director may issue ~~such~~ a capture permit without charge if ~~he~~ the director finds:

(a) that all provisions of this part and of the department regulations are complied with by the applicant; and

(b) that the number and species of wildlife desired is not excessive under the circumstances.

~~(2)~~(3) If wild animals are to be obtained by capture for use in zoos, the permit ~~shall~~ must designate the number and the means of capture, but ownership of the wild animals captured shall remain in the state of Montana.

(4) ~~Nongame animals may be bought, sold, or transferred under such regulations as the department may prescribe.~~ Roadside menageries, wild animal menageries, and zoos may obtain captive-bred wild animals from a licensed zoo, menagerie, game farm, fur farm, game bird farm, or animal rehabilitation center."

Section 6. Section 87-4-806, MCA, is amended to read:

"**87-4-806. Inspection, permit revocation, and redemption of wildlife.** All roadside menageries

wild animal menageries, ~~or~~ and zoos and all equipment used in connection ~~therewith shall~~ with any roadside menagerie, wild animal menagerie, or zoo must be open to inspection at all reasonable hours. If upon inspection it is found that the roadside menagerie, wild animal menagerie, or zoo is not being operated in accordance with this part or with the department regulations, the director shall revoke the permit without right of renewal and shall redeem possession of all wildlife obtained by capture or unlawful propagation."

Section 7. Restrictions on menagerie and zoo permits. (1) Wild animals may be bought, sold, or transferred under regulations that the department prescribes.

(2) The number of wild animals in a wild animal menagerie may not exceed 10.

Section 8. Repealer. Section 87-4-805, MCA, is repealed.

Section 9. Codification instruction. [Section 7] is intended to be codified as an integral part of Title 87, chapter 4, part 8, and the provisions of Title 87, chapter 4, part 8, apply to [section 7].

- END -